

REMARKS

Claims 12, 26-29, 58, 59, and 71-76 are canceled herein. New claims 78 and 79 are added herein. Support for new claim 78 can be found in the specification at page 14, line 5 through page 22, line 32. Support for new claim 79 can be found in the specification at page 23, line 34 through page 24, line 22.

No new matter is added by any of the foregoing amendments. Examination of the subject application is respectfully requested.

Restriction Requirement

Applicants elect with traverse Examiner's Group I (claims 1-4, 57, and 60-64), drawn to a method of inhibiting endothelial cell growth using SEQ ID NO: 2, variants and fragments. The examiner alleges that Group I contains claims that are directed to more than one species of the generic invention (fragments of SEQ ID NO: 2, *i.e.* fragments of the full-length protein). The examiner has asked that Applicants elect to pursue only the full length protein (SEQ ID NO: 2) and one of the species (fragments) within the genus. Applicants elect SEQ ID NO: 4 for prosecution. However, Applicants take the opportunity to remind the examiner that, as set forth in M.P.E.P. §809.02(a), "[u]pon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all of the limitations of an allowed generic claims as provided by 37 CFR 1.141."

Applicants have provisionally elected Group I for prosecution, but respectfully submit that the subject matter of Group II (claims 5-11, 13-17, 20-25, 65-70, and 77), drawn to a method of inhibiting *in vivo* angiogenesis using SEQ ID NO: 2, variants and fragments, should be classified in the same group as the claims in Group I. Applicants submit that it is not an undue burden on the Examiner to include the subject matter of claims 5-11, 13-17, 20-25, 65-70, and 77 with the subject matter of the claims in Group I as endothelial cells are an integral component of blood vessels and therefore are required for angiogenesis. For example, Bailey's Textbook of Microscopic Anatomy (Toni M. Tracy, *ed.*, William & Wilkins, Baltimore, MD, 1984) states that the blood vascular system "...consists of a single layer of *endothelial cells*..." (emphasis in original text) and that the "...single layer of cells forms the main component of the wall in

capillaries. . .” (page 387). The on-line dictionary, Wikipedia, defines an endothelial cell as “a flattened cell type that forms a sheet (the endothelium) lining a blood vessel. Endothelial cells line the entire vascular system, from heart to the smallest capillary . . . They repair and renew the lining of established blood vessels, and create new blood vessels” (<http://www.wikipedia.org/wiki/Endothelial+cell>). Thus, a method of inhibiting endothelial cell growth would, in turn, inhibit angiogenesis. The specification clearly sets out the connection between endothelial cells and angiogenesis (also referred to as neovascularization; see, for example, page 1, lines 18-21 and lines 26-29). Moreover, Applicants disclose in the specification that the conditions that inhibit endothelial cell growth also inhibit angiogenesis, as measured by the number of cells present in a specific area (see Table 4).

Applicants respectfully suggest that references related to all of the now pending claims could be found in a single search and without undue burden on the Examiner since endothelial cells are required for angiogenesis. Thus, applicants respectfully request that the Examiner reconsider the Restriction Requirement and rejoin Group I (claims 1-4, 57, and 60-64) and Group II (claims 5-11, 13-17, 20-25, 65-70, and 70).

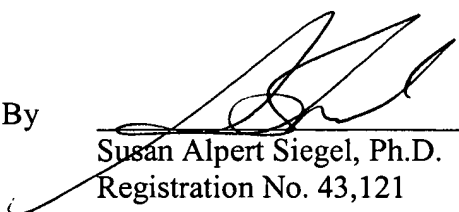
Conclusion

If any minor matters remain to be addressed prior to examination, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By



Susan Alpert Siegel, Ph.D.
Registration No. 43,121

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 226-7391
Facsimile: (503) 228-9446